

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JESSE L. REED,

No. C 08-2858 MHP (pr)

Petitioner,

**ORDER OF DISMISSAL**

v.

ROBERT L. AYERS, warden,

Respondent.

Petitioner was in custody serving a 25-to-life sentence on a 1985 conviction for first degree murder when he filed this habeas action to challenge a June 22, 2007 decision by California Governor Arnold Schwarzenegger finding him unsuitable for parole. Respondent has moved to dismiss the action on the ground that the petition is moot because petitioner was released from prison on June 8, 2009. Petitioner has not opposed the motion.

Petitioner's release from prison makes his habeas petition seeking such release moot. See Burnett v. Lampert, 432 F.3d 996, 999-1000 (9th Cir. 2005); Fendler v. United States Bureau of Prisons, 846 F.2d 550, 555 (9th Cir. 1988). Petitions challenging criminal convictions usually do not become moot upon a petitioner's release from custody because collateral consequences are presumed to flow from criminal convictions; the same rule does not apply to a challenge to a denial of parole, as is the case here. Petitioner has not identified any collateral consequences that keep this action from being considered moot, and the court is unaware of any. Most notably, it does not appear that any habeas relief that could be

1 issued could affect the length of parole because the period of parole for petitioner apparently  
2 will be for life. See Cal. Penal Code § 3000.1(a); 15 Cal. Code Regs. § 2515(f).

3 For the foregoing reasons, respondent's motion to dismiss is GRANTED. (Docket #  
4 11.) The petition for a writ of habeas corpus under 28 U.S.C. § 2254 is dismissed as moot.

5 IT IS SO ORDERED.

6 DATED: January 6, 2010

  
Marilyn Hall Patel  
United States District Judge